



Office of the Director of
**Telecommunications
Regulation**

MMDS TV Licence

WIRELESS TELEGRAPHY ACT, 1926

**PROGRAMME SERVICES DISTRIBUTION LICENCE
ISSUED PURSUANT TO THE WIRELESS TELEGRAPHY ACT, 1926
AND THE WIRELESS TELEGRAPHY (PROGRAMME
SERVICES DISTRIBUTION) REGULATIONS, 1999.**

Document Number: ODTR 99/44

July 1999 (effective from 19/04/99)

Oifig an Stiúirthóra Rialála Teileachumarsáide
Office of the Director of Telecommunications Regulation
Abbey Court, Irish Life Centre, Lower Abbey Street, Dublin 1.
Telephone: + 353 1 804 9600 Fax: + 353 1 804 9680 Web: www.odtr.ie

DIRECTOR OF TELECOMMUNICATIONS REGULATION

WIRELESS TELEGRAPHY ACT, 1926

**PROGRAMME SERVICES DISTRIBUTION LICENCE
ISSUED PURSUANT TO THE WIRELESS TELEGRAPHY ACT, 1926
AND THE WIRELESS TELEGRAPHY (PROGRAMME
SERVICES DISTRIBUTION) REGULATIONS, 1999.**

The Director, in exercise of the powers conferred on her by the Wireless Telegraphy Act, 1926 as applied by the Telecommunications (Miscellaneous Provisions) Act, 1996 and in accordance with the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999 hereby grants to the Licensee a Programme Services Distribution Licence subject to the Conditions set out hereunder.

**SIGNED BY THE DIRECTOR OF
TELECOMMUNICATIONS
REGULATION**

DATED _____

WIRELESS TELEGRAPHY ACT, 1926

PROGRAMME SERVICES DISTRIBUTION LICENCE

1. The licensee specified in Part I of this licence is hereby authorised to: -
 - (a) keep, have possession of, install, maintain, work and use the system specified in Part II to distribute licensed programme services in the area described in Part III.
 - (b) keep, have possession of, install, maintain, work and use any apparatus for wireless telegraphy for the purposes of enabling the provision of additional services, otherwise lawfully authorised, in the area described in Part III.
2. (1) Subject to paragraph 9 (3), the Director shall not, prior to 19th April 2004, grant a licence to any third party to keep, have possession of, install, maintain, work or use any equivalent system to distribute licensed programme services in the licensed area.
 - (2) For the avoidance of doubt, nothing in this licence shall be construed as prohibiting the Director from -
 - (a) granting, on or after the date specified in subparagraph (1), a licence to any third party to keep, have possession of, install, maintain, work or use any equivalent system to distribute licensed programme services in all or part of the licensed area; or
 - (b) granting, prior to the date specified in subparagraph (1), a licence to any third party to keep, have possession of, install, maintain, work or use a system other than an equivalent system to distribute licensed programme services in all or part of the licensed area.
 - (c) granting a licence to any third party to keep, have possession of, install, maintain, work or use any apparatus for wireless telegraphy for the purposes of enabling the provision of additional services, otherwise lawfully authorised, in all or part of the area described in Part III.
3. The licensee shall be responsible for obtaining such way leave and other approvals, consents, licences, permissions and authorities as may be necessary for the installation, maintenance, work and use of the system or apparatus for wireless telegraphy.
4. (1) The licensee shall distribute such licensed programme services as are specified in Part VI and VII by analogue transmission:
 - (a) unless the Director gives prior consent in writing; or
 - (b) unless the Director directs the licensee, by notice in writing served on the licensee, to discontinue analogue transmission of such of those licensed programme services as are specified in the notice.
 - (2) The licensee may distribute programme services to the holders of other licences whether inside or outside the licensed area to which his or her licence relates and may facilitate the distribution of such services whether inside or outside that licensed area by or on behalf of the holders of other licences.
 - (3) (a) Subject to sub-paragraph (b), the licensee may utilise a forward path on the frequencies assigned to him or her for the purposes of the provision of additional services by means of digital transmission.
 - (b) ***The amount of capacity on the frequencies assigned to the licensee used as a forward path for the purposes of the provision of additional services shall not exceed a maximum of 15% of the total capacity of those frequencies at any one time, and shall not exceed an aggregate of 10% of such capacity in any given 24 hour period.***

- (c) For the avoidance of doubt, nothing in this licence shall be construed as permitting the licensee to establish, operate and/or make use of a return path by means of wireless telegraphy for the purpose of the provision of additional services, the receipt of signals and/or data related thereto or the receipt of signals and/or data related to programme services.

5. This licence shall come into operation on the date specified in Part IV and shall, unless previously surrendered by the licensee or unless or until it is revoked by the Director, and subject to any suspension thereof, continue in force from the date specified in Part IV to the 19th day of April 2014.

6. (1) The system shall be designed, constructed, installed, maintained and used so that no avoidable harmful interference with any authorised apparatus for wireless telegraphy, and no avoidable harmful effect on any authorised telegraphic line or authorised telecommunication service is caused.

(2) If the Director is satisfied that the licensee has failed to comply with sub-paragraph (1) of this paragraph and notifies the licensee in writing of that fact, the licensee shall cease to use the system until further notice from the Director and shall otherwise take such measures as may be specified by the Director in the notice.

7. Nothing in this licence shall authorise the licensee to do any act which is an infringement of any copyright or other legal right.

8. The licensee shall maintain separate accounts in respect of the distribution by him or her of licensed programme services.

9. (1) The licensee shall, by the dates specified in the digital roll-out plan, design, construct, install, work and put into use a digital transmission network.

(2) The licensee shall be responsible for obtaining all approvals, consents, licences, permissions and authorities required by law to design, construct, install, work and put into use such a network.

(3) If, within a period of 6 months after the dates specified in the digital roll-out plan, the licensee does not comply with the requirements specified in the plan, the Director may, without prejudice to any other powers or remedies he or she may have under the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, reduce the period of exclusivity granted to the licensee under paragraph 2 (1) for part or all of the area described in Part III by such period as the Director considers appropriate.

10(1) The licensee shall publish the prices, terms and conditions for distributing, to a member of the public, licensed programme services and for installing or providing the means necessary to receive the licensed programme services and shall publish any changes to such prices, terms and conditions.

(2) The licensee shall provide copies of those prices, terms and conditions to the Director forthwith and to members of the public on request, in each case free of charge.

11. The licensee shall comply with:

- (a) the technical conditions for analogue transmission systems set out in Part IX;
- (b) the technical conditions for digital transmission systems set out in Part X;
- (c) the conditions for the operation of conditional access systems set out in Part XI;
- (d) any other technical conditions notified to the licensee in writing by the Director;

and with any alterations or additions thereto so notified to the licensee.

12. The provisions of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, and the conditions set out and referred to in the licence supersede any prior communications with the Director regarding licensed programme services and nothing in any guidance notes or other prior communications with the Director shall be deemed incorporated into those Regulations or into the licence.

13. Definitions;

“additional service” means a service that consists of the distribution by the licensee of a service other than programme services or programme associated services by wireless telegraphy by means of the use of the spare capacity within the signals carrying any licensed programme service.

"apparatus for wireless telegraphy" has the meaning ascribed to it by the Wireless Telegraphy Act, 1926 (No. 45 of 1926), as amended, and includes a system as defined in this licence.

“Director” means the Director of Telecommunications Regulation appointed under the Telecommunications (Miscellaneous Provisions) Act, 1996;

“distribute” means receive or originate programme services and convey them over the system, and cognate words shall be construed accordingly;

“equivalent system” means, as regards a licence that relates to a television programme retransmission system, another television programme retransmission system; and as regards a licence that relates to a wired broadcast relay system, another wired broadcast relay system;

“forward path” means a unidirectional broadband broadcast channel used for the purposes of the provision of additional services from the licensee to its subscriber.

“licensed programme service” means any of the following programme services:

- (a) television broadcasts (within the meaning of the Wireless Telegraphy (Television Programme Retransmission and Relay) Regulations, 1991 (S.I. No. 252 of 1991)) that originate in another Member State of the European Communities and that fall within the fields co-ordinated by Council Directive 89/552/EEC of 3 October 1989 as amended by Council Directive 97/36/EEC of 30 June 1997;
- (b) a television programme service (within the meaning of the Regulations referred to in paragraph (a)) that originates in a state (other than a Member State of the European Communities) being a party to the European Convention on Transfrontier Television done at Strasbourg on the 5th day of May, 1989 and that complies with the terms of the Convention;
- (c) a programme service, other than a programme service to which paragraphs (a), (b) or (d) relate, approved of, for the time being, by the Director;
- (d) a programme service that originates in the State, other than a programme service to which (a), (b) or (c) relate, authorised, for the time being, by law;

“licensee” means a holder of a licence;

"programme associated service" means any services distributed by the licensee that are ancillary to programme services and directly related to the content thereof.

“programme service” means a service which consists of sound or visual programme material of any description, or a compilation of both, intended for general or approved reception, whether encoded or not;

“relay” means, in relation to television programme services or television programme services and sound programme services, receive the services by means of wireless telegraphy apparatus and then convey them by wire from the place of reception to system outlets, and cognate words shall be construed accordingly;

“return path” means a unidirectional narrowband channel used for the purposes of the receipt by the licensee of signals or data from its subscriber.

"system", in relation to a licence, means the system used by the licensee for the distribution of licensed programme services starting at the headend and ending either at the system outlets or, in cases where the licensee provides subscribers with a device incorporating specialised decoding means, at the output port of such device, and including all other apparatus directly or indirectly connected between those points, as more specifically described in Part II of this licence.

Part I

Licensee

Cablelink Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cell 16 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation.

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No. 73 of 1999.

Part IV

Licence Commencement Date

19th April, 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/3/2000	22,000
31/3/2001	22,250
31/3/2002	22,250
31/3/2003	22,750
31/3/2004	23,000

2. Licensee will ensure that no later than 1/1/2001, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3	BBC 1	BBC 2
ITV	Channel 4	Sky One
Sky News	Eurosport	Nickelodeon/MTV

Part VIII

Addresses for Notices

Cablelink Ltd.,
10 Pembroke Place,
Ballsbridge,
Dublin 4.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Cablelink Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 4, 5 and 13 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation.

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No. 73 of 1999.

Part IV

Licence Commencement Date

19th April, 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay

Date	Numbers of homes
31/3/2000	26,000
31/3/2001	30,000
31/3/2002	33,000
31/3/2003	36,000
31/3/2004	39,000

2. Licensee will ensure that no later than 1/1/2001, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/MTV	BBC 1	BBC 2
ITV	Channel 4	Sky One
Sky News	Eurosport	Nickelodeon(part service)

Part VIII

Addresses for Notices

Cablelink Ltd.,
10 Pembroke Place,
Ballsbridge,
Dublin 4.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Cablelink Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cell 27 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications with the exception of the area surrounded by a line which joins the
(References supplied to Licensee)

Part IV

Licence Commencement Date

19th April, 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/3/2000	9,500
31/3/2001	10,000
31/3/2002	10,500
31/3/2003	11,000
31/3/2004	11,500

2. Licensee will ensure that no later than 1/1/2001, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/MTV	BBC 1	BBC 2
ITV	Channel 4	Sky One
Sky News	Nickleodeon/Eurosport	

Part VIII

Addresses for Notices

Cablelink Ltd.,
10 Pembroke Place,
Ballsbridge,
Dublin 4.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Cable Management Ireland Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 1, 2, 3 and 6 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No. 73 of 1999.

Part IV

Licence Commencement Date

24 May 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/3/2000	0
31/3/2001	0
31/3/2002	5,000
31/3/2003	10,000
31/3/2004	33,000

2. Licensee will ensure that no later than 31/3/2004, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3	BBC1	BBC2
UTV	Channel 4	Sky One
Sky News	Eurosport/MTV	

Part VIII

Addresses for Notices

Cable Management Ireland Ltd.
70 Capel Street,
Dublin 1.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Cork Communications Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 25, 26, 28 and 29 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation with the exception of that area of Cell 26 defined and set out in the Agreement dated 30th April, 1996 between MMDS Television Limited and Cork Communications Limited.

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No 73 of 1999.

Part IV

Licence Commencement Date

24 May 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/12/1999	72,489
31/12/2000	72,489
31/12/2001	72,489
31/12/2002	72,669
31/12/2003	75,193

2. Licensee will ensure that no later than 31/12/2001, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/Nickelodeon/Bravo	BBC1	BBC2
UTV	Channel 4	Sky One
Sky News	Eurosport	Trouble/Discovery/QVC

Part VIII

Addresses for Notices

Cork Communications Ltd.,
Abbey Court House,
Georges Quay,
Cork.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Independent Wireless Cable Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 17, 22 and 23 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation.

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No 73 of 1999.

Part IV

Licence Commencement Date

24 May 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/12/1999	18,895
31/12/2000	18,895
31/12/2001	19,678
31/12/2002	20,408
31/12/2003	23,856

2. Licensee will ensure that no later than 31/03/2003, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/Nickelodeon/Bravo	BBC1	BBC2
UTV	Channel 4	Sky One
Sky News	Eurosport	Trouble/Discovery/QVC

Part VIII

Addresses for Notices

Independent Wireless Cable Ltd.,
Corporate House,
Mungret Street,
Limerick.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Independent Wireless Cable Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 18, 19 and 24 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No 73 of 1999.

Part IV

Licence Commencement Date

24 May 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/12/1999	84,926
31/12/2000	84,926
31/12/2001	84,926
31/12/2002	90,806
31/12/2003	91,100

2. Licensee will ensure that no later than 31/03/2003, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/Nickelodeon/Bravo	BBC1	BBC2
UTV	Channel 4	Sky One
Sky News	Eurosport	Trouble/Discovery/QVC

Part VIII

Addresses for Notices

Independent Wireless Cable Ltd.,
Corporate House,
Mungret Street,
Limerick.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Independent Wireless Cable Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 10, 11, 14 and 15 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation.

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No 73 of 1999.

Part IV

Licence Commencement Date

24 May 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/12/1999	74,704
31/12/2000	74,704
31/12/2001	77,635
31/12/2002	82,590
31/12/2003	85,083

2. Licensee will ensure that no later than 31/12/2001, licensed services will be available in digital format throughout the licensed system in Cells 11 and 15 and no later than 31/12/2002, licensed services will be available in digital format throughout the licensed system in Cells 10 and 14.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/Nickelodeon/Bravo	BBC1	BBC2
UTV	Channel 4	Sky One
Sky News	Eurosport	Trouble/Discovery/QVC

Part VIII

Addresses for Notices

Independent Wireless Cable Ltd.,
Corporate House,
Mungret Street,
Limerick.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

Independent Wireless Cable Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 7, 8, 9 and 12 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation.

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No 73 of 1999.

Part IV

Licence Commencement Date

24 May 1999

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/12/1999	46,969
31/12/2000	46,969
31/12/2001	52,240
31/12/2002	53,411
31/12/2003	56,767

2. Licensee will ensure that no later than 31/12/2001, licensed services will be available in digital format throughout the licensed system in Cells 9 and 12 and no later than 31/12/2003, licensed services will be available in digital format throughout the licensed system in Cells 7 and 8.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3/Nickelodeon/Bravo	BBC1	BBC2
UTV	Channel 4	Sky One
Sky News	Eurosport	Trouble/Discovery/QVC

Part VIII

Addresses for Notices

Independent Wireless Cable Ltd.,
Corporate House,
Mungret Street,
Limerick.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68

Part I

Licensee

MMDS Television Ltd.

Part II

Licensed System

Television programme retransmission system

Part III

Licensed Area

The area within Cells 20 & 21 as defined in Table 2 of Document No. ODTR 98/67 published by the Office of the Director of Telecommunications Regulation, with the exception of the area surrounded by a line (References supplied to Licensee)

The attention of the Licensee is drawn to the provisions of Regulation 11(g) of the Wireless Telegraphy (Programme Services Distribution) Regulations, 1999, S.I. No. 73 of 1999

Part IV

Licence Commencement Date

9th June 2000

Part V

Digital Roll-Out Plan

1. Licensee will ensure that, by the dates indicated, the following numbers of homes are capable of being connected to the licensed system with minimal further delay:

Date	Numbers of homes
31/12/2000	55,000
31/12/2001	65,000
31/12/2002	70,000
31/12/2003	75,000

2. Licensee will ensure that no later than 31/12/2001, licensed services will be available in digital format throughout the licensed system.

Part VI

Programme Services Which Must Be Distributed

TV3

Part VII

Basic Programme Service

TV3	BBC 1	BBC 2
UTV	Channel 4	Sky One
Sky News	MTV/The Racing Channel	

Part VIII

Addresses for Notices

MMDS Television Limited,
50/51 Upper John Street,
Kilkenny.

Parts IX, X & XI are available on the website as Documents ODTR Nos. 98/65, 98/67 & 98/68